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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/495,655	02/01/2000	Douglas G. Elliot	2316.1151US01	5142
23552	7590	03/21/2006	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			HAMMOND, BRIGGITTE R	
			ART UNIT	PAPER NUMBER
			2833	
DATE MAILED: 03/21/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/495,655	Applicant(s) ELLIOT ET AL.	
	Examiner Brigitte R. Hammond	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-21 and 23-31 is/are allowed.
- 6) ☒ Claim(s) 22, 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 18, 2005 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 32-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackwood et al. 4,725,249. Regarding claim 33, Blackwood et al. discloses a method for assembling an outlet box including a housing defining connector access opening, the housing also including a first connector mounting location positioned adjacent the connector access opening and a second connector mounting location recessed within the housing relative to the first connector mounting location, the method comprising: providing a connector holder 600 adapted for holding a plurality of telecommunications connectors; selecting one of the first and second connector mounting locations; and

mounting the connector holder at the selected one of the first and second connector mounting locations.

Regarding claims 32 and 34, Blackwood et al. discloses an outlet box comprising: A) a connector holder 600 for holding a plurality of telecommunications connectors; B) a housing 400 defining a connector access opening; C) means for mounting the connector holder at a first location in the housing that is adjacent to the connector access opening; and D) means for mounting the connector holder at a second location that is recessed within the housing relative to the first location, wherein a user can mount the connector holder at either one of the first and second locations.

Claim Rejections - 35 USC § 103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. 5,781,686. Regarding claim 22, Robinson et al. disclose an outlet box 10 comprising: a housing 36,28 including a first side positioned opposite from a second side, at least one of the first and second sides forming a base 28 of the housing, a peripheral wall that extends between the first and second sides of the housing, the peripheral wall including, a first portion having a first outer face that extends between

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oppositely positioned first and second edges, the first and second edges being oriented to extend between the first and second sides of the housing, the first portion defining a connector access opening longitudinally between the first and second edges of the first outer face, a second portion having a second outer face separate from the first outer face, the second outer 158 that is elongated and that extends face being configured to extend about a periphery of the housing from the first edge to the second edge; a connector holder 30 connected to the housing and positioned adjacent to the connector access opening of the housing', and C) at least three break-outs 40 provided on the second portion of the peripheral wall, the break-outs being adapted to form openings in the peripheral wall that face outward from the housing in different directions. Robinson does not disclose at least four breakouts in different directions. However, Robinson discloses the break-outs can be adapted to form openings in selected sides of the walls. (col. 5, line 55). Therefore, it would have been obvious to one of ordinary skill to modify the connector of Robinson with additional breakouts, since it has been held that mere duplication of of essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. V. Bemis Co.*, 193 USPQ 8.

Allowable Subject Matter

Claims 1-3,5-21,23-31 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The Examiner agrees with applicant's remarks Dated Dec. 19, 2006.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brigitte R. Hammond whose telephone number is 571-272-2006. The examiner can normally be reached on Mon.-Thurs. and Alternate Fridays from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 571-272-2800 ext. 33. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brigitte R. Hammond
Primary Examiner
Art Unit 2833

March 17, 2006